### COMMISSIONER OF SECURITIES & INSURANCE

MONICA J. LINDEEN COMMISSIONER



# OFFICE OF THE MONTANA STATE AUDITOR

To: Viatical Settlement Providers

From: Steve Matthews, Chief Financial Examiner

Re: Annual Statement Filing Information

Date: January 1, 2015

Attached is a form on which to file your company's 2014 Annual Statement with Montana Insurance Department. Under the provisions of Montana Insurance Code, the fee of \$1,900 for renewal of a viatical settlement provider certificate of authority is due with the filing of the annual statement on or before March 1, 2015 (postmark accepted). If problems meeting the filing deadline are anticipated, written requests for an extension of the deadline will always be considered.

It should be noted that Montana considers the viatical settlement provider annual statement a public document. Audited financial statements are considered confidential.

I encourage you to contact Tim Morris of my office with any questions and/or concerns you may have. Additional if you see a need for additional clarifications, please let us know.

Thank you for your time and efforts.

#### VIATICAL SETTLEMENT PROVIDER ANNUAL REPORT

**OF** 

(Name of Viatical Settlement Provider)

### TO THE

MONTANA COMMISSIONER OF SECURITIES AND INSURANCE

STATE AUDITOR'S OFFICE

OF THE STATE OF MONTANA

**840 HELENA AVENUE** 

**HELENA, MT 59601** 

FOR THE YEAR ENDED
DECEMBER 31, \_\_\_\_\_

#### \*\* GENERAL INSTRUCTIONS \*\*

- 1. This report and the required \$1,900 in fees must be received by the Department annually by March 1.
- 2. Type or print all responses in ink. Annual reports must be filed on official Department forms or other forms determined by the Department to be substantially identical in all material respects to official Department forms.
- 3. Respond fully to each item. Reports containing blank lines or unanswered questions may be deemed incomplete. Reply with None, Not Applicable, N/A, or 0, as applicable.
- 4. Attach copies of application forms, contracts and other forms required by 33-1-501 and 33-20-1308, MCA that have not yet been approved by the commissioner.
- 5. Attach copies of information brochures, advertising and other solicitation materials that a provider or broker uses to market Viatical settlements to viators or prospective viators in this state that have not yet been approved by the commissioner.
- 6. Attach and clearly identify and cross reference any supporting documentation or schedules which may be necessary to fully respond to particular report items.
- 7. Individual viators shall be identified by a settlement number in this report.
- 8. On or before June 1 of each calendar year, a viatical settlement provider licensed in this state shall submit an annual audited financial statement, if such statements are regularly prepared by or for the viatical settlement provider in the ordinary course of business, or such other financial information as the commissioner shall require pursuant to 6.6.8510(2) ARM.

7. Name of person completing this report: $_{ extstyle 1}$		_ Date:
Telephone Number: Number:	Fax	

IT IS THE RESPONSIBILITY OF EACH LICENSED PROVIDER TO COMPLY WITH APPLICABLE STATUTES AND REGULATIONS AT ALL TIMES. SHOULD ANY QUESTIONS OF COMPLIANCE EXIST, PLEASE CONTACT THE EXAMINATIONS BUREAU IN THE MONTANA INSURANCE DEPARTMENT.

#### **ATTESTATION INSTRUCTIONS**

## ATTESTATIONS SUBMITTED MUST BE ORIGINALS. COPIES ARE NOT ACCEPTABLE.

This report must be attested to by the following, based upon organizational structure of the viatical settlement provider:

- 1. If the viatical settlement provider is a corporation, the report must be attested by at least two principal officers of the viatical settlement provider;
- 2. If the viatical settlement provider is a partnership, the report must be attested by two partners; or
- 3. If the viatical settlement provider is not a corporation or a partnership, by the provider's owner and manager.

### **Annual Report Attestation**

Name of Viatical Settleme	ent Provider:			
Type Of Business Organiz	ation:			
MAILING ADDRESS				
Street or PO Box:				
City of:	State:	Zip:_		
Phone #:	Fa	ax #:	Web Site:	
As an individual responsite settlement provider licens familiar with the laws of Nereby verify pursuant to herein is a true and corrections.	sed to transact Montana relating Section 33-20-	business in the S g to viatical settle 1309, MCA, that the requested inf	itate of Montana, ement providers the information formation.	I am and do
(Typed Name)		(Туре	d Name)	
(Signature) (Date)	(Date)	(Signature)		
(Title)		(Title)		
Sworn to and subscribed bef	fore me Sv	worn to and subsci	ibed before me	
This day of	, 20	This day of $\_$	, 2	20
NOTARY PUBLIC for the state of	NO	ΓARY PUBLIC for the state	of	
Residing at		Residing at		
My commission expires	My	commission expires		
(SEAL)		(S	EAL)	

#### **INSTRUCTIONS**

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- 3. If the viatical settlement provider is not a corporation or a partnership, by the provider's owner and manager.

# Viatical Settlement Provider Attestation – Securities Compliance Requirement

Type Of Business Organization	on:		
MAILING ADDRESS			
Street or PO Box:			
City of:		State:	 Zip:
Phone #:	Fax #:	Web	Site:
As an individual responsible settlement provider applying with the laws of Montana rel Viatical settlement provider	to transact busin ating to securities	ess in the State of regulation and do he Montana Securi	f Montana, I am familia hereby state that the ities Act.
(Typed Name)		(Typed	Name)
(Signature) (Date)	(Date)	(Signature)	
(Title)		(Title)	
Sworn to and subscribed bef	ore me Sw	orn to and subscri	bed before me
This day of	, 20	This day of	, 20
NOTARY PUBLIC for the state of		_ NOTARY PUBLI	C for the state of
Peciding at		Residing at	
itesianig at			
My commission expires		_ My commission	expires

Annual Report for 20 for		
Assets	Current Year	Prior Year
1. Cash on Hand and in Company Office		
a. Cash in Company Office		
b. Cash on Deposit		
2. Certificates of Deposit		
3. Investments		
a. Bonds		
b. Common Stock		
c. Preferred Stock		
d. Short Term Investments		
4. Purchased Policies		
5. Matured Polices Receivable	- <u></u>	
6. Interest Receivable on Matured Policies		
7. Property and Equipment		
8. Investment Income Due and Accrued		
9. Other Assets		
a		
b		
C		
10. Total Assets		
Liabilities and Shareholders Equity		
Liabilities		
11. Bank Loan/Long Term Loan		
12. Policy Premiums Due		
13. Taxes, Licenses & Fees Due & Accrued		
14. Liability for Benefits for Employees		
15. Payable to Parent, Subsidiaries and Affiliates		
16. Dividends Payable		
17. Other Payables (Short Term Debt)		
a		
b		
C		
18. Total Liabilities		
Shareholder Equity		
19. Common Capital Stock		
20. Preferred Capital Stock		
21. Retained Earnings		
22. Total Shareholder Equity		
23. Total Liabilities and Shareholder Equity		

Annual Report for 20 for		
Report of Income	Current Year	Prior Year
Proceeds Received from Matured Polices		
2. Fees Received from Contract Holders		
3. Investment Income		
4. Other Income		
a		
b		
C		
5. Total Income		
6. General and Administrative Expenses		
7. Interest Expense		
8. Other Expenses		
a		
b		
C		
9. Total Expenses		
10. Net Income before Federal Income Tax		
11. Federal Income Tax		
12. Net Income after Federal Income Tax		
Report of Changes in Shareholder Equity		
13. Balance of Shareholder Equity at December 31, PY		
14. Net Income		
15. Capital Contributions/(Distributions)		
16. Dividends Paid		
17. Other Changes		
a		
b		
C		
18. Balance of Shareholder Equity at December 31, CY		

Annual Report for 20 for		
Cash Flow	Current Year	Prior Year
1. Proceeds from Matured Polices		
2. Fees from contract holders		
3. Investment Income		
4. Interest Income		
5. Other Income		
6. Total (Items 1 thru 5)		
7. Payment made to viators for Purchased Policies		
3. Federal Income Taxes paid		
9. Premiums paid		
10. Policy Loans paid		
11. Other Expenses paid		
12. Total (Items 7 thru 11)		
13. Net Cash from Operations (Item 6 minus 12)		
14. Proceeds from sale of Investments		
15. Proceeds from sale of fixed assets		
16. Cost of investment acquired		
17. Purchase of fixed assets		
18. Net Cash from Investments (Items 14 &15 minus 16 &17)		
19. Other Cash provided:		
a. Proceeds from issuance of stock		
b. Contributions		
c. Proceeds from line of credit		
d. Advances from related parties		
e. Other sources		
f. Total Other Cash Provided		
20. Funds paid to related parties		
21. Funds paid to related parties 21. Funds paid on long-term debt/and or credit line		
22. Other payment made		
23. Net Cash from Financing (Item 19f minus (20, 21 & 22)		
24. Other Cash Applications		
a. Dividends paid to stockholders		
·		
b. Other applications		
25. Total Other Cash Applied (Item 24a plus 24b)		
26. Net Change in Cash (Item 13 plus 18 plus 23 minus 25)		
Reconciliation		
27. Cash and Certificate of Deposits		
a. Beginning of the year		
b. Plus / Minus Item 26		
c. End of Vear		

Annual Report for 20	for

# Exhibit 1 List of Montana Viaticated Polices Miscellaneous Information

Settlement	Issuer of Policy	Policy	Policy	Is This	Date	Has the Person	Is the	Has The Viatical	Did The Viatical Settlement Provider
Number		Number	Issue	Policy a	Policy	Become	Policyholder	Settlement Provider	Pay A Finder's Fee, Commission, Or
			Date *	Premium	Originally	Terminally III	Chronically III	Given Copies Of	Other Compensation To The Attending
				Financed	Acquired	Since the	(Y or N)	Certification And	Physician, Attorney, Or Accountant Or
				Policy	From	Policy		Independent	Any Other Person Who Provides
				(Yes or	Viator	Originally		Evidence To The	Medical, Legal, Financial Planning
				No)		Issued		Insurer When A	Services, Or Agent To The Policyholder
						(Y or N)		Request Was Made	(Y Or N)
								To The Insurer For	
								Verification Of	
								Coverage	
								(Y Or N)	

<sup>\*</sup> A person may not enter into a Viatical Settlement Contract within a 2-year period from the date of issuance unless the criteria of 33-20-1313, MCA has been met.

#### SCHEDULE A - LIST OF OFFICERS/DIRECTORS AND KEY PERSONNEL

List the name, title, percentage of ownership interest, business address and residence address of each individual who is responsible for the conduct of the providers affairs or has the ability to exercise significant control over the provider, including but not limited to officers, directors, trustees, partners, shareholders holding a 10 percent or greater interest in the provider, and key personnel. Place an asterisk next to the name of any individual not reported on the most recent report or application (whichever occurred last). Attach additional sheets as necessary.

Name	Title	Percentage	Business Address	Residence Address
		of		
		Ownership		
		Ownership		
		(if any)		

# SCHEDULE B - AGED SCHEDULE OF UNSETTLED VIATICAL CONTRACTS FOR MONTANA RESIDENTS

Provide, as of December 31, an aging analysis for all outstanding Viatical settlement contracts that have been executed by viators.

DAYS SINCE EXECUTION BY VIATOR	DOLLAR VALUE
Executed less than 30 Days	\$
Executed 30 to 59 days	\$
Executed 60 to 89 days	\$
Executed 90 to 119 days	\$
Executed 120 to 149 days	\$
Executed 150 to 179 days	\$
Executed 180 or more days	\$
TOTAL	\$

#### SCHEDULE C - SETTLEMENTS PAID FOR MONTANA RESIDENTS

(Most recent five years, beginning with this reporting year)

YEAR	TOTAL NUMBER OF POLICIES PURCHASED (Quantity)	TOTAL SETTLEMENTS PAID FOR POLICIES PURCHASED (DOLLARS)	TOTAL FACE VALUE OF POLICIES PURCHASED (DOLLARS)
20		\$	\$
20		\$	\$
20		\$	\$
20		\$	\$
20		\$	\$

### Interrogatories

1. Has there been any change in the provider's name, organizational structure, articles of incorporation, by- laws, partnership agreement, officers, directors, members, owners, stockholders or location of books and records since the latter of the date of application or the last Annual Report was filed with this Department? ☐ Yes ☐ No If there has been a change, has complete documentation been filed with the Department (i.e., amendments, biographical affidavits) ☐ Yes ☐ No ☐ N/A If there has been a change and complete documentation was not provided to the Department, attach complete documentation.
2. Has any officer, director, member, stockholder, or employee of the provider been the subject of any administrative or judicial proceeding, had any license denied, suspended or revoked, been arrested, indicted, convicted, or pled nolo contendere to any criminal or civil action other than a minor traffic violation, or had a lien, judgment or foreclosure action filed against him or her since the latter of the date of application or the last Annual Report was filed with this Department?   Yes  No If so, attach a detailed explanation sufficient to disclose all relevant details of the matter, to include its final disposition.
3. Has the provider been involved in any legal actions, civil suits, criminal or administrative proceedings, or had a license denied, suspended or revoked by any government agency or regulatory body since the latter of the date of application or the last Annual Report was filed with this Department? ☐ Yes ☐ No If so, attach a detailed explanation sufficient to disclose all relevant details of the matter, to include its final disposition.
4. During the reporting year has the provider received any complaints from viators alleging that the escrow agent or third party trustee did not disburse the Viatical settlement within three business days of receiving notification that the change in ownership or beneficial interest had been effected? ☐ Yes ☐ No If yes, attach a list of such complaints, including the name of the viator, policy face amount, settlement amount, contract date, date of insurer notification, and date funds were released to the viator. Describe what actions the provider took to correct the situation and prevent its recurrence. If the settlement funds are yet unpaid, include an explanation for the delay and anticipated payment date.
5. Did the provider engage in the re-sale to an institution or individual, during the year covered by this report, any Montana viaticated life insurance policies? ☐ Yes ☐ No If yes, please provide proof of viators written permission.

# INTERROGATORIES (continued)

<ul> <li>6. Funds used to purchase Montana life insurance policies are provided by:</li> <li>6.1) Owners, partners or other officers □ Yes □ No</li> <li>6.2) Affiliated companies □ Yes □ No</li> <li>6.3) Financial institutions □ Yes □ No</li> <li>6.4) Private investors □ Yes □ No</li> <li>6.5) Others, please describe</li> </ul>	
7. State as of what date the latest examination of the provider was made or is being made By what department or departments?	
8. Is the provider submitting its annual audited financial statements or another form of financial statements? $\square$ Yes $\square$ No	
9. Regarding Viatical settlements executed in Montana during the reporting year: 9.1) Number executed during the year? 9.2) Total amount of settlements paid during the year? \$ 9.3) Total amount payable for outstanding settlements? \$	
10. Did the provider comply during the reporting year with the minimum percentages that must be paid (per 6.6.8507 ARM) on the face value of the viaticated life insurance policies? ☐ Yes ☐ No ☐ N/A	÷
11. Did the provider change the trustee, escrow agent or approved bank handling the proceeds of Viatical settlements during the report year? ☐ Yes ☐ No	
12. Did the provider engage in life settlement business (where the viator's life expectancy is greater than 24 months) in Montana in the current year? ☐ Yes ☐ No	

#### **Supporting Documents**

- 1. Please complete and submit the annual report as of the close of business on December 31:
- 2. Provide a letter of Certification of Securities Compliance as defined in 6.6.8509 ARM.
- 3. Provide a copy of an executed surety bond in the amount of \$50,000 payable to the State of Montana, or.
- 4. Provide a copy of an errors and omissions policy in an amount commensurate with the provider's exposure.
- 5. Provide a completed copy of VSP 001; VSP 002; VSP 003; and VSPB 001.
- 6. On or before June 1 of each calendar year, a viatical settlement provider licensed in this state shall submit an annual audited financial statement, if such statements are regularly prepared by or for the viatical settlement provider in the ordinary course of business, or such other financial information as the commissioner shall require pursuant to 6.6.8510(2) ARM.

Viatical Settlement Provider's Name

All States and Territories

İ	П	1	2	3	4	5	6	7	T	8	<u> </u>		1	2	3	4	5	6	1	7		8
	$\dashv$						U		+	- 0	,							U	+			
	States	Are you doing business in this state? (Y/N)	Total number of policies reviewed for consideration	Total number of policies where an offer was made	Total number of policies where an offer was not made	Total number of policies purchased	Aggregate total net death benefit	:	Aggregate amount paid to viators		Secondary market transactions	States	Are you doing business in this state? (Y/N)	Total number of policies reviewed for consideration	Total number of policies where an offer was made	Total number of policies where an offer was not made	Total number of policies purchased	tiposoci stato operation	Aggregate total net death benefit	Aggregate amount paid to viators		Secondary market transactions
		Are y	Tot	Tota	Tota	Tota	Agg		Agc	our	sold		Are y	Tota	Tots	Tota	Tota	Size V	7 7 7	Agç	pur	Sold
Alabama									Т			New Jersey							Т			
Alaska												New Mexico										
Arizona												New York										
Arkansas												North Carolina										
California												North Dakota										
Colorado												Ohio										
Connecticut												Oklahoma										
Delaware												Oregon										
Dist. of Columbia	l											Pennsylvania										
Florida												Rhode Island										
Georgia												South Carolina										
Hawaii												South Dakota										
ldaho												Tennessee										
Illinois												Texas										
Indiana												Utah										
lowa												Vermont										
Kansas												Virginia										
Kentucky												Washington										
Louisiana											ĺ	West Virginia										
Maine												Wisconsin								Ì		
Maryland												Wyoming								Ì		
Massachusetts											ĺ	American Samoa								İ		
Michigan												Guam										
Minnesota												Puerto Rico										
Mississippi												U.S Virgin Islands								İ		
Missouri												Canada										
Montana																						
Nebraska												TOTALS										
Nevada																						
New Hampshire	1		-	1	1														T	İ		

VSP 001

Initials of preparer: \_\_\_\_\_

#### Viatical Settlement Provider Report—All States and Territories Instructions

NOTE: This form must be accompanied by Viatical Settlement Provider/Broker Certification Form.

1.	Indicate (Y or N); have you done business in this state during the calendar year being reported.
2.	For that state or territory, indicate the total number of policies reviewed for consideration for that state or territory.
3.	For that state or territory, indicate the total number of policies where an offer was made.
4.	For that state or territory, indicate the total number of policies where an offer was refused.
5.	For that state or territory, indicate the total number of policies purchased.
6.	List the total aggregate net death benefit of the policies viaticated in that state or territory.
7.	List the total aggregate amount paid to viators in that state or territory.
8.	List the total number of policies purchased and/or sold in the secondary market for that state or territory.

Initials of preparer: \_\_\_\_\_

VSP 001 Instructions

Viatical Settlement Provider's Name

er Report Calendar year \_\_\_\_\_\_

200\_\_\_

1	2	3	4	5	6	7	8	9	10	11
Viatical settlement provider settlement number	Contract date purchased	Total net death benefit (\$)	Age of insured at time of contract	Life expectancy at time of contract.	Net amount paid to viator (\$)	Policy type: I or G	Funding: F, P, I, T or RPT	Source of policy: B, D, SM, P or O	Commission amount (\$)	Name of source of policy

#### **Viatical Settlement Provider Report Montana Insured's Only Instructions**

<u>NOTE</u>: This form must be accompanied by Viatical Settlement Provider/Broker Certification Form

1.	List the settlement number, case number or unique identifying number used to identify the specific viatical settlement transaction.
2.	List the date the viatical settlement contract was purchased by the provider during the current calendar year, whether or not the insured is still alive at the end of the calendar year.
3.	List the net amount (in dollars) being viaticated.
4.	List the age (in years) of the person insured by the policy being viaticated, at the time of the viatical settlement contract.
5.	List the life expectancy (in months) of the insured individual at the time of the viatical settlement contract.
6.	List the net amount (in dollars) paid to the viator.
7.	Identify whether the policy was an individual policy (I) or a group policy (G).
8.	List the type of funding for the transaction: "F" for a licensed financial institution (policies collateralized), "P" for private (purchaser) funding, "I" for internal funding, "T" for trust, and "RPT" for related provider trust.
9.	Indicate the purchase source of the policy. Use "B" for viatical settlement broker, "D" for direct from the viator, "I" for insurance agent/producer, "SM" for a secondary market or viatical settlement provider, "P" for private (purchaser) funding or "O" for other.
10.	List the amount of commissions (in dollars) paid to viator source involved in the transaction whether that be a viatical settlement broker, an insurance producer or other licensed entity authorized to be viator source.

Initials of preparer: \_\_\_\_\_

11. List the name of the source of the viatical settlement transaction. If it is a broker, producer or other licensee, name that person; if it is direct, from a relative, from the corporation of the insured or any other entity that could possibly reveal the insured, designate by writing

"Direct," "Relative," "Corporation," or other nondesignating word.

Individual	<b>Mortality</b>	Report

Calendar year

Viatical Settlement Provider's Name <u>Montana Insured's Only</u>

200\_\_\_\_

1	2	3	4	5	6	7	8	9	10
Viatical settlement provider's settlement number	Contract date	Age of insured at time of contract	Life expectancy at time of contract	Net amount paid to viator	Date of death	Total premiums paid to maintain policy	Death benefit collected	Number of months between date of contract and date of death	Number of months between life expectancy at contract date and date of death (+/-)
Hab oos									

VSP 003

Completed by Viatical Settlement Providers

Initials of preparer: \_\_\_\_\_

### **Individual Mortality Report**— **Montana Insured's Only Instructions**

<u>NOTE</u>: This form must be accompanied by the Viatical Settlement Provider/Broker Certification Form.

1.	List the settlement number, case number, or unique identifying number used to identify the specific viatical settlement transaction.
2.	List the date of the viatical settlement contract.
3.	List the age of the insured at the time of the contract.
4.	List the life expectancy (in months) of the insured individual at the time of the viatical settlement contract. For first to die policies, use the shortest life expectancy of the two lives. For second to die policies, use the longest life expectancy of the two lives.
5.	List the "Net" amount paid to the viator.
6.	Indicate the insured's date of death. For first to die policies, use the date of the first insured's death. For second to die policies, use the date of the last insured's death.
7.	List the total amount of premiums (in dollars) required to be paid to the insurer to maintain the policy from the date of viatication to the date of death.
8.	List the total death benefit collected from the insurer.
9.	List the number of months between the date of contract and the insured's date of death.
10.	List the number of months between the life expectancy of the insured at the time of contract and the insured's date of death. This should be noted as a plus (+) figure if the insured died after the estimated life expectancy or a minus (-) if the insured died prior to the estimated life expectancy.
SP	003 Instructions Initials of preparer:

### **Viatical Settlement Provider Certification Form**

This section should be completed by viatical settlement providers.									
Please check all forms submitted:									
☐ Viatical Settlement Provider Reporting Form - All States and Territories (VSP 001)									
☐ Viatical Settlement Provider Reporting Form – Montana I	Insured's Only (VSP 002)								
☐ Individual Mortality Report - Montana Insured's Only (VS	SP 003)								
I hereby certify that the information contained in the reports indicacknowledge that providing false and misleading information in thereto, is sufficient grounds for administrative action by the corpenalties	the reports, or failing to divulge a fact material mmissioner and potentially, applicable criminal								
Signature of individual that prepared reports	Date:/								
Print or type name	Date:/								
Signature of Authorized Representative	2 mc·								
Print or type name									

VSPB 001